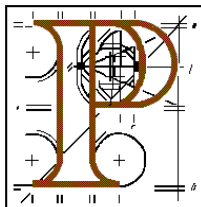


An Bord Pleanála



Inspector's Report

Site Address: 2c Rathvale Park, Ayrfield, Dublin 5.

Proposal: Demolition of garage and construction of a bungalow and associated works.

Planning Application

Planning Authority: Dublin City Council

Planning Authority Reg. Ref.: WEB1387/15

Applicants: Gerard O'Keeffe

Type of Application: Permission

Planning Authority Decision: Grant

Planning Appeal

Appellant: Kathy Kelly and Others

Type of Appeal: 3rd party -v- grant

Observers: None

Date of Site Inspection: 3rd June 2016

Inspector: G. Ryan

1.0 SITE

- 1.1 The site is located in Ayrfield, which is located in the North Dublin suburbs in the wider Coolock area. Coolock Village is located around 750m to the west, and Edenmore Shopping Centre is around 500m to the southeast. The Malahide Road runs around 300m to the northwest.
- 1.2 The site is located with frontage onto on Rathvale Drive, which provides the single vehicular access to the Rathvale/Ayrfield housing area. The site is characterised largely by semi-detached 2-storey suburban housing.
- 1.3 The site is effectively carved out of part of what was originally the side/rear garden of #2 Rathvale Park, which runs perpendicular to Rathvale Drive to the north. A house was built in the side garden of #2, extending the terrace. Retention for the subdivision of this new house into 2 houses was subsequently granted, resulting in #2A and #2B
- 1.4 As well as the rear garden of #2, the site would appear to incorporate what might previously have been part of the rear garden of 93 Tonlegee Road. The site is bounded to the south by Nos. 93A and 93 Tonlegee Road, to the East by the rear garden of No. 4 Rathvale Park, and to the North by the rear gardens of Nos. 2, 2A, and 2B Rathvale Park.
- 1.5 The site has a stated area of 141.3m² and is currently occupied by a single story shed, with an open yard to the rear (east).

2.0 PROPOSAL

2.1 SCHEME SUMMARY

- 2.2 The demolition of a single storey garage with a stated floor area of 79.8m²
- 2.3 The construction of a single storey 1-bedroomed house with a stated floor area of 74.4m²
- 2.4 Computer generated imagery of the proposed development accompanied the application.

2.5 COVER NOTE AND APPLICATION FORM

- 2.6 Refers to the planning history of the site.
- 2.7 States that the proposed dwelling is fully compliant with all planning regulations [sic] regarding building size and open space.

- 2.8 The proposed flat roof would not impinge on neighbours' views. The proposed house would be less high than the existing garage.
- 2.9 The garage wall at the boundary with 93A Tonlegee Road would be retained as a boundary wall.
- 2.10 Refers to the enclosure of letters of goodwill [not on file] from the residents/tenants of 2A and 2B Rathvale Park.
- 2.11 The application form states that the proposed plot ration would be 0.52, and the proposed site coverage would be 32%.

3.0 SUMMARY OF REPORTS TO THE PLANNING AUTHORITY

3.1 DEPARTMENTAL REPORTS

3.1.1 Drainage Division

- 3.1.2 No objections subject to conditions.

3.2 REPRESENTATIONS

Objections were submitted on behalf of the current appellants, and from the following parties.

- Peter and Margaret Purcell
- Rebecca Purcell and Nicholas Pym

The matters raised in these objections are largely reflected in the appeal grounds summarised in section 7.0 below. Other matters of note can be summarised as follows.

- 3.2.1 On the applicant's claims that the cul-de-sac to the west could be used for parking, the objectors note that whenever the applicant uses this garage in connection with his business, he always parks on street or the footpath directly adjacent to the garage.
- 3.2.2 The objector asserts that the letters of support are from the applicant's tenants / relatives.
- 3.2.3 The site is currently an eyesore due to the actions of the applicant.
- 3.2.4 Refers to issues around the sewage connection of the previously developed new dwellings by the applicant on the wider site.
- 3.2.5 The objectors assert that the residents of 2A have been contacted by the Gardaí and advised that on-street parking is not allowed as it causes a major safety hazard.
- 3.2.6 Raises concerns of a structural nature about the wall to 93A Tonlegee Road.

3.3 PLANNING OFFICERS REPORT

- 3.3.1 Permission was granted for the parent scheme under WEB/1027/12. This permission is due to expire on 10th May 2017. The current application is an improvement on the previous scheme.
- 3.3.2 The height has been reduced from 4.5m to 3.1m and the design has been changed to a more contemporary scheme, which is positive.
- 3.3.3 The proposed dwelling has one double bedroom (2 bed spaces), and requires 12-15m² per bedspace. The proposal for 47.8m² is compliant with these standards.
- 3.3.4 The proposed development does not break a building line.
- 3.3.5 Due to the single storey nature, the proposed house is unlikely to impact on adjoining dwellings in terms of visual intrusion or overlooking.

4.0 PLANNING AUTHORITY DECISION

The planning authority decided to grant permission subject to 9 conditions, many of which could be considered 'standard' conditions. Others of note can be summarised as follows.

- 2 The development is to comply with all conditions of the permission Web1027/12, unless amended by this permission.

I note that there was no condition attached relating to financial contributions.

5.0 HISTORY

5.1 ON THE ORIGINAL SITE OF NO. 2 RATHVALE PARK.

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| PA Ref. 3578/02 | Permission granted for 2-storey end of terrace house to side of 2 Rathvale Park. |
| PA Ref. 2760/06 | Retention permission granted for conversion of approved single dwelling under 3578/02 to two 2-bedroom 2 storey dwelling, to form 2A and 2B Rathvale Park. Existing garage structure to remain part of 2A. |

5.2 ON THE SUBJECT SITE

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| PA Ref. 1798/07 | Permission granted for demolition of existing detached garage and construction of a one bedroom detached bungalow (since expired). |
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| PA Ref. WEB/1027/12 | Permission granted for modifications to previously approved 1798/07, to include a bay window to the front elevation. |
| PA Ref. WEB/1097/14 | Permission refused on this site for a dormer bungalow. The refusal reason cited massing, scale, height, and impacts on the amenities of surrounding dwellings. |
| PAC 0469/14 | Pre-planning meeting held on 29/10/14 in respect of the subject proposal. |
| PA Ref. WEB/1162/15 | Permission sought on this site. Withdrawn. |
| PA Ref 0100/15 | Refers to a Social Housing Exemption Certificate issued in respect of this development. |

5.3 ON ADJACENT SITE TO SOUTH

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| PA Ref. 1428/04 | Permission granted to construct a 2 storey dwelling to the side of No. 93 Tonlegee Road (since constructed and numbered '93A') |
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| 6.0 POLICY |
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6.1 DUBLIN CITY COUNCIL DEVELOPMENT PLAN 2011-2017

The site is zoned 'Z1 – to protect, provide, and improve residential amenities'.

Sections 17.9.5 and 17.9.6 of the plan address Backland Development and Development in Side Gardens. Both sections are generally supportive, subject to considerations such as the pattern of development and amenity of adjoining dwellings.

Appendix 8 sets out roads standards for various classes of development. It requires that where driveways are provided, they shall be at least 2.5m or, at most, 3.6m in width, and shall not have outward opening gates.

Section 17.9.1 sets out Residential Quality Standards and requires that a standard of 15sq.m of private open space per bedspace will normally be applied. A single bedroom represents one bedspace and a double bedroom represents two bedspaces.

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| 7.0 GROUNDS OF APPEAL |
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The 3rd party appeal was submitted by the residents of Nos. 2 and 4 Rathvale Park, the adjoining properties to the north/northeast of the subject site. The main grounds of this appeal can be summarised as follows.

7.1.1 The site originally had 1 dwelling, but now has 3 dwellings, 2, 2A, and 2B. The additional 2 dwellings were developed by the current

applicant. The proposal to construct a 4th dwelling would only increase noise and diminish privacy for the appellants, and would represent overdevelopment.

- 7.1.2 The proposed entrance would not facilitate a standard family sized car, and as a result, there would be parking on street both during and post construction. This would create a traffic hazard. This is the only entrance to Ayrfield/Rathvale, and there are several hundred houses and a school. The applicant states that there is ample parking for visitors across the road in a residential cul de sac. However, this is a private car park.
- 7.1.3 The proposed development would facilitate access to the rear gardens of the appellants' houses, creating a security concern.
- 7.1.4 Given the history of development of this site, the appellants consider it likely that the permission would not be adhered to, and retention would have to be sought again at a later date.
- 7.1.5 Refers to the objection to the planning authority.
- 7.1.6 Includes a petition.

8.0 SUMMARY OF RESPONSES

8.1 PLANNING AUTHORITY

- 8.1.1 The planning authority have not responded to the matters raised in the appeal.

8.2 FIRST PARTY RESPONSE TO THIRD PARTY APPEAL

A response submitted by the applicant counters the grounds of the appeal. Some of the main points of note can be summarised as follows.

- 8.2.1 The addition of one more house would not affect the appellants in terms of noise and privacy.
- 8.2.2 On the issue of traffic, the existing shed already has an access at this point. Refers to the precedent set by 93a on the Tonlegee Road, which has access off Rathvale Drive, and is closer to the traffic lights.
- 8.2.3 The proposed car parking space is 3.5m x 6.35m, which is in excess of the 2.5m x 5m required.
- 8.2.4 Visitor parking could be accommodated on street where there are no yellow lines.

- 8.2.5 The attached petition is misleading. Refers to the enclosure of a number of letters of support¹.
- 8.2.6 The proposed house is for the applicant's son.
- 8.2.7 If anything, security for the appellants would be improved.
- 8.2.8 On the issue of sewerage, as was previously raised, the applicant proposed to re-use the garage's connection.

9.0 ASSESSMENT

Having inspected the site and reviewed the file documents, I consider that the issues raised by this appeal can be assessed under the following broad headings:

- Principle of Development
- Site development standards
- Impacts on adjoining properties
- Visual impact
- Access and parking
- Open space of 2, 2A, and 2B
- Screening for Appropriate Assessment

9.1 PRINCIPLE OF DEVELOPMENT

- 9.1.1 The subject site is located in an established residential area and is zoned for residential purposes. It is near a high capacity bus corridor. Permission was granted in 2007 and 2012 for a bungalow on this site.
- 9.1.2 As such, I consider that the principle of development in this instance is well established.
- 9.1.3 On a matter of principle, I note that the planning authority have effectively 'rolled up' the conditions from the 2007 and 2012 permissions (see condition 2 of the planning authority's decision). In my opinion, it would be appropriate in this instance, should permission be granted, that the conditions attached would function as a 'stand-alone' set of conditions without reference to unimplemented and/or lapsed permissions, particularly on the issue of development contributions.

¹ These letters are not on file. Copies were requested of the planning authority by the Bord, but the planning authority stated that there were no such documents on file.

9.2 SITE DEVELOPMENT STANDARDS

- 9.2.1 I calculate the plot ratio to be around 0.56, which is within the 0.5-2.0m range set out in the development plan for Z1 zones in the outer city. Site coverage is – due to the single storey nature of the building – 56%, which also falls within the figure of 45-60% set out in the plan.
- 9.2.2 This is a one (double) bedroom house, generating a requirement for 30m² of open space. Around 40m² of useable open space is proposed, by my calculations. As such, the scheme is compliant.
- 9.2.3 At 79m², the house would be quite small, but would be compliant with the minimum standard of 55m² for 1-bed units in the City Development Plan. The scheme is within 1m² of the minimum size for a 2-bed unit. As such, I am not concerned about the individual room sizes.

9.3 IMPACTS ON ADJOINING PROPERTIES

- 9.3.1 In terms of bulk and scale, the proposed house would be roughly comparable to the existing shed. Due to its single story nature, and the proposed arrangement of windows, there would be no significant risk of overlooking by or of the proposed development.
- 9.3.2 While the proposal would introduce an increased level of activity proximate to the 6 gardens that border the site, it would not be of a scale or character that would be inconsistent with the existing pattern of development.

9.4 VISUAL IMPACT

- 9.4.1 The proposed development represents a contemporary addition to the streetscape in terms of its form and appearance, and also in terms of the addition of a house on this busy road, where there had been none with direct access previously.
- 9.4.2 I consider that the receiving visual environment is sufficiently robust to accommodate the proposed development.

9.5 ACCESS AND PARKING

- 9.5.1 The proposed car parking space is compliant with development plan standards in terms of size and dimensions, and would operate successfully in my view. It is reasonable to assume that some level of intermittent on–street parking demand might arise from the proposed development, but I consider that the surrounding road network could successfully accommodate this.
- 9.5.2 I note that there is no report on file from an area engineer or roads engineer. Nevertheless, I consider the proposed development to be acceptable in terms of access and parking.

9.6 OPEN SPACE OF 2, 2A, AND 2B

- 9.6.1 While the proposed development is compliant in its own right, it is worth briefly considering the impact on the existing 3 houses on the site. As pointed out by the appellants, this would be the 4th house on a site that originally accommodated just one semi-detached house.
- 9.6.2 I note the 'existing block/site plan' site layout under PA Ref. 2760/06, which sought to retain the subdivision of the new-build house into two houses (2A and 2B). This drawing showed the side garden walls as effectively continuations of the internal party walls, and indicated that open space of 46m², 41m², and 41m² was being achieved in respect of Nos. 2, 2A, and 2B. These levels of private open space would not have been consistent with development plan policy of the day for house of this size, and would not be compliant with policy of today. The extent of non-compliance would depend on the number and sizes of bedrooms within the existing houses.
- 9.6.3 A second drawing titled 'Existing Block/Site Plan showing modifications to accommodate a larger private open space' shows a 'dogleg' in the side garden wall between Nos. 2 and 2A and the incorporation of the rear portion of the 'garage' site into the garden of #2.
- 9.6.4 At the time of my site inspection, I noted that the wall between Nos. 2 and 2A was as per the original drawing under 2760/06, and that the rear portion of the 'garage' site had not been incorporated into the garden of No. 2. Furthermore, the rear portion of the 'garage' site forms part of the subject site.
- 9.6.5 By my calculations, based on the drawings submitted, the rear gardens available to Nos. 2, 2A, and 2B are 45m², 34m², and 49m², respectively. On the basis of the information available, and the requirement for 15m² per bedspace from the development plan, it would appear that house numbers 2 and 2A would not be compliant with development plan standards in terms of private open space.
- 9.6.6 I note that under the subject application, of the 3 existing houses on the original plot, only 2B is shown within the applicant's ownership at this time

9.7 SCREENING FOR APPROPRIATE ASSESSMENT

- 9.7.1 The nearest Natura 2000 sites are the Dublin Bay SAC and North Bull Island SPA around 2.5km to the southeast. Given the minor nature of the proposed development, I do not consider that the proposed development would be likely to have any significant effects on the integrity of a European site having regard to its conservation objectives.

10.0 CONCLUSION AND RECOMMENDATION

- 10.1 Based on the above, I recommend that permission be refused. The proposed development is compliant with all development standards in and of itself, and would not have an undue impact on the surrounding area. However, it would run contrary to previous permissions on this site insofar as they provided for an appropriate level of private open space for all houses. On the basis of the information available, open space for all 4 houses on this site previously occupied by one house could not be provided without reconfiguration of garden boundaries, and could not be adequately proven without clear and accurate information about the internal layout of the houses that would show the number of bedspaces per house.

11.0 REASONS AND CONSIDERATIONS

1. It is an objective of the City Development Plan that residential developments be provided with an appropriate level of private open space. To this end, the previously permitted scheme under PA Ref. 2760/06 showed a reallocation of rear garden space between Nos. 2, 2A, and the subject site such that 2A would be allocated part of the garden of No. 2, and No. 2 would be allocated the entirety of the rear (east) portion of the subject site. The proposed development would ensure that this layout, which has not been carried out to date, could not be carried out in the future, as per the terms of the permitted scheme. As such, the development would contravene materially a condition attached to an existing permission for development.

G. Ryan
Planning Inspector
9th June 2016